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August 1, 2014

BY HAND DELIVERY

Ms. Lisa J. Stevenson
Deputy General Counsel
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Matter Under Review 6834

Dear Ms. Stevenson:

We write on behalf of our clients Representative Lynn Jenkins, Lynn Jenkins for Congress (the "Committee"), Heather Grote, as Treasurer, and William Roe,¹ in response to the Complaint filed in the above-captioned matter under review. The Complaint alleges that the Committee failed to report payments to, or in-kind contributions from, William Roe related to his services provided to the Committee in 2013 and 2014. Complainants simply fail to understand Mr. Roe's role with the Committee and the Federal Election Commission ("FEC") regulations related to volunteer activities. Because any services provided to the Committee by Mr. Roe in 2013 or 2014 have been as a volunteer in his personal time, this activity does not constitute a contribution and is not reportable by the Committee.

For these reasons, the Complaint is without merit and we respectfully request that the Commission dismiss the Complaint.

I. Legal Background

The Federal Election Campaign Act of 1971 (the "Act") defines a "contribution" as: (1) "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office," and (2) "the payment by

¹ William Roe is not named as a respondent in the Complaint and therefore should be dismissed from this Complaint for that reason, in addition to the arguments presented in this response.

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any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.” 2 U.S.C. § 431(8)(A)(i) and (ii); *see also* 11 C.F.R. §§ 100.52 and 100.54. This definition includes in-kind contributions of goods and services. *Id.* § 100.52(d)(1).

Importantly, however, the Act and FEC regulations exclude from the definition of a contribution “the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee.” 2 U.S.C. § 431(8)(B)(i); 11 C.F.R. § 100.74. This exclusion from the definition of a “contribution” for volunteer activity is echoed in FEC guidance:

Personal Services

An individual may volunteer personal services to a campaign without making a contribution as long as the individual is not compensated by anyone for the services. 100.74. Volunteer activity is not reportable.

Federal Election Commission Campaign Guide: Congressional Candidates and Committees, at 39 (June 2014).

II. Factual and Legal Analysis

William Roe has been working in various capacities for Representative Lynn Jenkins since 2010. Mr. Roe has served as District Representative and District Director in Rep. Jenkins Topeka office. In addition, during campaign seasons, Mr. Roe has served as Campaign Manager for Rep. Jenkins’s campaigns. When the campaign begins to accelerate, Mr. Roe has reduced his time and salary in the congressional office and receives pay from the Committee. The congressional office and Committee are aware of the importance of tracking Mr. Roe’s time to ensure that the proper entity is paying for Mr. Roe’s time spent working for that entity.

During the time period addressed by the Complaint in this matter, 2013 and 2014 up until the date of this filing, Mr. Roe has worked full-time for Rep. Jenkins’s congressional office. Public records show that Mr. Roe has received a full-time salary from the congressional office for this service. *See* Ex. 1. During this period when the campaign is less active and needs are intermittent, Mr. Roe has conducted any campaign-related activity in his personal time, above-and-beyond his official full-time work hours.

Complainants base their allegations entirely on Mr. Roe’s online LinkedIn profile, which at the time listed Mr. Roe’s position as campaign manager,² and a few news articles that the

² Mr. Roe has since updated his online LinkedIn profile to accurately reflect his work history. *See* Ex. 2.

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Complaint claims refer to Mr. Roe as "spokesman" and "campaign manager." Complaint, at ¶¶ 8, 9. The Complaint then leaps to the unfounded conclusion that "[a]s Lynn Jenkins's campaign manager, Mr. Roe provided services to the campaign that require compensation or must be considered a contribution to the campaign." Complaint, at ¶ 10.

These allegations are speculative and factually inaccurate. The articles attached to the complaint never refer to Mr. Roe as "campaign manager." In fact, the only source Complainants cite suggesting that Mr. Roe was acting as anything other than a voluntary campaign spokesman since December 2012 is a LinkedIn profile that Mr. Roe did not use regularly and had not updated yet.

Not only is the Complaint lacking any real factual support, but it fails to recognize the primary legal issue. Any intermittent campaign activity conducted by Mr. Roe during 2013 and 2014 has been on a volunteer basis, entirely uncompensated by any party, and separate from his official full-time work hours. As noted above, under the Act and FEC regulations, the "value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee" is not a contribution." 2 U.S.C. § 431(8)(B)(i); 11 C.F.R. § 100.74. Therefore, there are no in-kind contributions involved in Mr. Roe's volunteer activity and the conclusions in the Complaint are without merit.

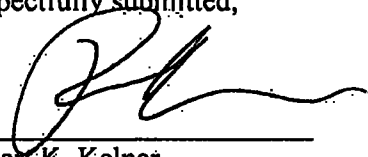
The Commission dismissed a similar complaint related to individuals volunteering their time to a campaign based on "the speculative nature of the allegations." General Counsel's Report, FEC MUR 6272 (DeVore for California), at 4. "It appears as though the complaint is speculative as to the nature of the violations. Specifically, there is no evidence submitted by the complainant that indicates that the activities at issue were not volunteer services within the meaning of 11 C.F.R. § 100.74." *Id.* The Commission instead relied on the "response denying the allegations." *Id.* This matter was deemed to be "low-rated" on the FEC's enforcement docket and the General Counsel's Report concluded that it warranted the exercise of prosecutorial discretion to dismiss the case. *Id.* at 1.

In addition, the Commission has dismissed other matters involving volunteer activity, even where the facts raised additional concerns under FEC rules. In MUR 6091, the Commission dismissed a case involving an individual who volunteered his time to produce internet and television commercials for a campaign, even though the FEC noted that the individual did "not address the potential use of corporate facilities" to produce the commercials. General Counsel's Report, MUR 6091 (Roy Carter for Congress Committee), at 2 (also deemed to be "low-rated" and dismissed). And in MURs 5987, 5995, and 6015, the Commission found that a concert performed by Sir Elton John, a foreign national, for Hillary Clinton for President was volunteer activity and not a contribution under 11 C.F.R. § 100.74 and not a violation of the Act's ban on contributions from foreign nationals. Notification with Factual and Legal Analysis, MURs 5987, 5995, and 6015 (Hillary Clinton for President), at 3-4.

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The allegations against Mr. Roe are as speculative as those in MUR 6272 (DeVore for California) and the Complaint similarly lacks evidence that Mr. Roe's activities are not volunteer services. Respondents deny the allegations in the Complaint because any campaign activity by Mr. Roe during this time period was personal volunteer activity. Because this activity is not considered a contribution under 2 U.S.C. § 431(8)(B)(i) and 11 C.F.R. 100.74, and not reportable by the Committee, we respectfully request that the Commission dismiss the Complaint.

Respectfully submitted,



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*Attorneys for Representative Lynn
Jenkins, Lynn Jenkins for Congress,
Heather Grote, as Treasurer, and
William Roe*

Enclosures

Exhibit 1

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William A. Roe (Bill), Congressional Staffer - Salary Data

Alternate Name: Bill Roe test

Summary Trips Personal Finances Lobbying Gifts StormFeed Notes (0)

List by: Calendar Year

Employing Office	Start date	End date	Position	Amount	Notes	PDF
Rep. Lynn M. Jenkins (KS)	01/03/14	03/31/14	District Director	\$16,097.23		
Rep. Lynn M. Jenkins (KS)	01/01/14	01/02/14	District Director	\$361.11		
2014 subtotal:				\$16,458.34		
Rep. Lynn M. Jenkins (KS)	10/01/13	12/31/13	District Director	\$17,500.01		
Rep. Lynn M. Jenkins (KS)	07/01/13	09/30/13	District Director	\$16,250.01		
Rep. Lynn M. Jenkins (KS)	04/01/13	06/30/13	District Director	\$16,250.01		
Rep. Lynn M. Jenkins (KS)	02/01/13	03/31/13	District Director	\$10,833.34		
Rep. Lynn M. Jenkins (KS)	01/03/13	01/30/13	District Representative	\$3,694.44		
Rep. Lynn M. Jenkins (KS)	01/01/13	01/02/13	District Representative	\$263.89		
2013 subtotal:				\$64,791.70		
Rep. Lynn M. Jenkins (KS)	11/21/12	12/31/12	District Representative	\$9,277.77		
Rep. Lynn M. Jenkins (KS)	10/01/12	11/20/12	Employee, Part-Time	\$1,319.45		

http://www.legistorm.com/person/William_A_Roe/143329.html

1/2

8/24/2014

William A. Roe (Bill) - Congressional Staffer Salary Data

Rep. Lynn M. Jenkins (KS)	08/03/12	09/30/12	Employee, Part-Time	\$1,530.56		
Rep. Lynn M. Jenkins (KS)	07/01/12	08/02/12	District Representative	\$2,111.11		
Rep. Lynn M. Jenkins (KS)	04/01/12	06/30/12	District Representative	\$11,874.99		
Rep. Lynn M. Jenkins (KS)	01/03/12	03/31/12	District Representative	\$11,611.11		
Rep. Lynn M. Jenkins (KS)	01/01/12	01/02/12	District Representative	\$263.88		
2012 subtotal:				\$37,988.87		
Rep. Lynn M. Jenkins (KS)	10/01/11	12/31/11	Deputy District Director	\$11,874.99		
Rep. Lynn M. Jenkins (KS)	07/01/11	09/30/11	District Representative	\$11,874.99		
Rep. Lynn M. Jenkins (KS)	04/01/11	06/30/11	District Representative	\$11,874.99		
Rep. Lynn M. Jenkins (KS)	01/03/11	03/31/11	District Representative	\$11,416.67		
Rep. Lynn M. Jenkins (KS)	01/01/11	01/02/11	District Representative	\$249.99		
2011 subtotal:				\$47,291.63		
Rep. Lynn M. Jenkins (KS)	10/01/10	12/31/10	District Representative	\$11,250.00		
Rep. Lynn M. Jenkins (KS)	09/01/10	11/15/10	District Representative	\$5,000.00	Other Compensation	
Rep. Lynn M. Jenkins (KS)	07/01/10	09/30/10	District Representative	\$9,325.00		
Rep. Lynn M. Jenkins (KS)	04/01/10	06/30/10	District Representative	\$5,000.00		
Rep. Lynn M. Jenkins (KS)	03/10/10	03/31/10	District Representative	\$1,400.00		
2010 subtotal:				\$32,975.00		

* Marked salary data appeared in the official records from the listed fiscal year even though it pertains to a different fiscal year.

Congressional staff salaries shown are the amount paid in the period shown. They are not annual salaries. Because bonuses may be included here and other payments may not be (most notably with aides working for multiple offices or for a political campaign committee), please use caution in extrapolating annual salaries from the figures shown here.

We have taken great care to have this website reflect the official record, but we have discovered a handful of errors both in the official record and our own transcription. If you believe our information is in error, please let us know so we can fix it as soon as possible. We take accuracy very seriously.

LegiStorm's salary data goes back to Oct. 1, 2000. We do not have information prior to this date.

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 LegiStorm
 1375 Maryland Ave. NE Suite B
 Washington, DC 20002
 (202) 360-4172 / contact@legistorm.com

Exhibit 2

155044371574

Bill Roe

District Director for Congresswoman Lynn Jenkins
Topeka, Kansas Area Government Administration

Join LinkedIn and access Bill Roe's full profile. It's free!

As a LinkedIn member, you'll join 300 million other professionals who are sharing connections, ideas, and opportunities.

- See who you and Bill Roe know in common
- Get introduced to Bill Roe
- Contact Bill Roe directly

[View Bill's full profile](#)

Bill Roe's Overview

Current District Director for Congresswoman Lynn Jenkins at Kansas 2nd District Offices

Past Campaign Manager at Lynn Jenkins for Congress
Political Director at Lynn Jenkins for Congress
Assistant to the Kansas Secretary of State at Kansas Secretary of State

Education University of Kansas

Connections 275 connections

Bill Roe's Experience**District Director for Congresswoman Lynn Jenkins**

Kansas 2nd District Offices

Government Agency: 10,001+ employees Legislative Office industry
March 2010– Present (4 years 6 months) Topeka, Kansas

Campaign Manager

Lynn Jenkins for Congress

Nonprofit: 1-10 employees Political Organization industry
February 2012– December 2012 (11 months) Topeka, Kansas Area

Political Director

Lynn Jenkins for Congress

Nonprofit: 1-10 employees Political Organization industry
2010– March 2012 (2 years)

Assistant to the Kansas Secretary of State

Kansas Secretary of State

Government Agency: 11-50 employees Government Administration industry
October 2005– March 2010 (4 years 8 months)

Bill Roe's Skills & Expertise

Political Campaigns Public Relations Fundraising Public Speaking Writing Event Management Microsoft Office
Event Planning Government Relations Excel Government Grassroots Organizing Political Consulting System Administration
Research Coaching Policy Analysis Policy Strategic Planning Social Media

[View All \(50\) Skills](#)

Bill Roe's Education**University of Kansas**

Political Science

2000 – 2005

Bill Roe's Additional Information

Groups and
Associations

2011 Kansas Men's Leadership Group



KU Alumni-University of Kansas



KU Kansas University



Phi Kappa Theta's Professional Network

Contact Bill for:

• career opportunities

• consulting offers

15034444-11111111

- new ventures
- expertise requests
- reference requests

- job inquiries
- business deals
- getting back in touch

View Bill Roe's full profile to...

- See who you and Bill Roe know in common
- Get introduced to Bill Roe
- Contact Bill Roe directly

[View Bill's full profile](#)

Not the Bill Roe you were looking for? [View more »](#)

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